

July 12, 2013

VIA ELECTRONIC DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Room TWA325
Washington, DC 20554

**Re: Notice of *Ex Parte* Presentations
WT Docket No. 12-69**

Dear Ms. Dortch:

On July 10, 2013, Scott Wills, Paul Kolodzy, and I, representing Vulcan Wireless LLC ("Vulcan"), met with (1) David Goldman, Senior Legal Advisor to Commissioner Rosenworcel; (2) Louie Peraertz, Legal Advisor to Chairwoman Clyburn; and (3) James Schlichting, John Leibovitz, Charles Mathias, Roger Noel, Maria Kirby, and Susan Singer of the Wireless Telecommunications Bureau to discuss issues related to the above-captioned proceeding.

During the meetings, the Vulcan representatives discussed their January 31, 2013 *ex parte* letter to the Commission,¹ including the enormous benefits and marginal costs of restoring interoperability in the Lower 700 MHz band as soon as possible. Vulcan highlighted its role as an innovative company in the wireless marketplace and its dedication of considerable time, personnel, and financial resources toward deploying wireless services in its 700 MHz A Block licensed markets as a greenfield operator. For example, Vulcan is in advanced stages of negotiating a joint venture utilizing fixed LTE services in a portion of its market (and restoring interoperability would accelerate the ability to deliver mobile LTE). Vulcan has also had discussions with potential local partners regarding possible service deployments in Vulcan's licensed markets, including other advanced wireless data services.

Furthermore, Vulcan has spent considerable effort exploring ways to deploy advanced data services based on the assumption that interoperability is not restored to the Lower 700 MHz band and, alternatively, based on the assumption that interoperability is restored. As a greenfield provider, the lack of interoperability is extremely limiting to Vulcan and provides far fewer technology choices and business model options for Vulcan to pursue and deploy. Since the interoperability issue has been in front of the Commission for almost four years, this unresolved issue has

¹ See *Ex Parte* Letter of Vulcan Wireless LLC to Marlene H. Dortch, Secretary, Federal Communications Commission, WT Docket No. 12-69 (filed Jan. 31, 2013).

disadvantaged Vulcan and has hampered both its pursuit of finalizing partnership discussions and its plans to deploy advanced data services.

Despite these disadvantages, Vulcan reported that it has engaged vendors, consultants, systems engineers, and service providers to conduct terrain analyses and develop network designs, build-out deployment plans, and cost estimates for wireless service. Moreover, it has entered into long-term lease arrangements with tower facilities and ordered base station infrastructure and user equipment necessary to provide wireless services and meet its initial build-out requirements, despite the presence of two Channel 51 broadcasters in one of its markets. Vulcan has taken significant steps to relocate both Channel 51 licensed broadcasters as well as exploring alternative technical ways to circumvent this impediment.

Finally, Vulcan also responded to a question from Bureau staff regarding the independent engineering assessment conducted and filed by V-COMM, L.L.C. in this proceeding.² Vulcan explained that V-COMM conducted a thorough investigation of all 26 Channel 51 protected broadcasters. This study was consistent with the findings from the earlier Hyslop-Kolodzy study, indicating that B and C Block LTE mobile devices would not experience any harmful interference from Channel 51 broadcasters. In addition to field testing and device testing, the V-COMM study included a theoretical propagation analysis of all 26 Channel 51 broadcast stations. The theoretical study indicated that there could be a very slight reduction of throughput capacity in the downlink (of up to a maximum of 10 percent with no degradation or loss of service) under certain conditions. This slight capacity reduction could only be experienced within an extremely narrow patch of ground immediately surrounding the broadcast tower facility in just eight Channel 51 broadcast tower locations.³ Put into context, this small theoretical patch of ground is about the distance that one can throw or hit a ball and does not exist in any part of a Lower 700 MHz licensed area except for the immediate area surrounding eight broadcast towers – generally unpopulated or sparsely populated areas. It is also solely and completely confined to a distance of only 25 yards (in one case) and up to a maximum of 75 yards (in another case).

Furthermore, based on 3GPP design specifications for LTE devices, all LTE devices are able to function in an uninterrupted fashion, even when they are located within this small patch of ground. Therefore, in the unlikely event that one passed through this area immediately under one of these few broadcast towers, the effect would go unnoticed. As stated by V-COMM regarding its theoretical propagation analysis, "with the application of reasonable and realistic Radio Frequency design assumptions and real-world conditions," which is standard industry practice in designing and deploying a network, the potential for experiencing even a temporary 10 percent reduction in downlink capacity while passing through this small patch of ground can be "eliminated altogether."

² See Reply Comments of V-COMM, L.L.C., WT Docket No. 12-69, paragraph 3 and Figures 5-6 (filed July 13, 2013).

³ See *id.* The relevant markets, as shown on Figures 5 and 6, are Cedar Rapids, IA; Cocoa, FL; Lansing, MI; Pittsburgh, PA; Greenville, NC; Cordele, GA; Harlan, KY; and Bend, OR.

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By restoring interoperability as soon as possible, the Commission can accelerate innovation and spur consumer adoption of advanced mobile wireless technologies by greenfield operators such as Vulcan. Pursuant to Section 1.206(b) of the Commission's rules, I am filing this notice electronically in the above-referenced docket. Please contact me directly with any questions.

Respectfully submitted

/s/ Michele C. Farquhar

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Attachment

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